

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

CORY CHEETHAM,)	CASE NO. 1:10 CV 652
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
SALLIE MAE SERVICES,)	<u>AND ORDER</u>
)	
Defendant.)	

This case was removed from the Cleveland Municipal Court, Small Claims Division, by Defendant Sallie Mae, Inc. (Sallie Mae) on March 29, 2010. The Complaint, filed by Plaintiff Cory Cheetham, states in its entirety as follows:

The guarantor received repayment of financial aid when courses were not taken at CSU. I was billed. A promissory note was issued. A FFELP was recorded as owed.

Defendant filed a Motion to Dismiss on April 10, 2010. Plaintiff has not filed anything in response.

Principles requiring generous construction of *pro se* pleadings are not without limits. *Beaudett v. City of Hampton*, 775 F.2d 1274, 1277 (4th Cir. 1985). A complaint must contain either direct or inferential allegations respecting all the material

elements of some viable legal theory to satisfy federal notice pleading requirements. *See Schied v. Fanny Farmer Candy Shops, Inc.*, 859 F.2d 434, 437 (6th Cir. 1988). District courts are not required to conjure up questions never squarely presented to them or to construct full blown claims from sentence fragments. *Beaudette*, 775 F.2d at 1278. To do so would "require ...[the courts] to explore exhaustively all potential claims of a *pro se* plaintiff, ... [and] would...transform the district court from its legitimate advisory role to the improper role of an advocate seeking out the strongest arguments and most successful strategies for a party." *Id.*

Even liberally construed, the Complaint does not contain allegations reasonably suggesting Plaintiff might have a valid claim. *See, Lillard v. Shelby County Bd. of Educ.*, 76 F.3d 716 (6th Cir. 1996) (court not required to accept summary allegations or unwarranted legal conclusions in determining whether complaint states a claim for relief).

Accordingly, the Motion to Dismiss is granted and this case is dismissed. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE

July 9, 2010